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September 15, 2021

Hon. Diane Gujarati, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Central Islip, NY 11201

***Re: Capricorn Management Systems, Inc. v. Government Employees
Insurance Co., 15-cv-02926-DRH-SIL (the "Action")***

Dear Judge Gujarati:

We represent Plaintiff Capricorn Management Systems, Inc. ("Capricorn") and Counterclaim-Defendant Charles M. Silberstein ("Dr. Silberstein") in this litigation against Defendant Government Employees Insurance Company ("GEICO").

This matter has been pending since May 20, 2015. It was initially assigned to Judge Denis Hurley and reassigned to Your Honor late last year. At the direction of the Court, the parties submitted a joint status report on January 13, 2021 (ECF No. 151). As indicated therein, all discovery has been completed, motions for summary judgment have been made and decided, and a Joint Pre-Trial Order has been submitted and entered by Magistrate Judge Steven I. Locke (ECF Nos. 144 and 145). In short, the case is ready for trial and has been since July 2020.

Before the case was reassigned, there was a Final Pre-Trial Settlement Conference scheduled for December 8, 2020, but that was cancelled, and no further proceedings have been had since the matter was transferred to Your Honor.

We understand that the Court is extremely busy and that the Covid-19 Pandemic has had a tremendous impact. Nonetheless, we want to stress that Capricorn's owners, Dr. and Mrs. Silberstein, are 86 and 81 years old respectively. Dr. Silberstein has endured numerous health challenges, including congestive heart failure, multiple open-heart surgeries and other difficult medical procedures. Their claims have been pending since 2015, having endured a motion to dismiss, extensive discovery and a largely unsuccessful application for summary judgment. Despite all the obstacles along the way, our clients remain steadfast in their desire to have this matter determined by a jury of their peers.

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Accordingly, Dr. and Mrs. Silberstein respectfully request that a jury trial on the merits be scheduled as soon as practicable, understanding of course the many demands on the Court.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard C. Schoenstein", is written over the typed name. The signature is fluid and cursive.

Richard C. Schoenstein

cc: All Counsel of Record (by ECF)